

**FILED**

JAN 22 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**RECEIVED**

JAN 18 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

1 McGREGOR W. SCOTT (CSBN 142413)  
United States Attorney  
2 Eastern District of California

3 SAMANTHA S. SPANGLER (CSBN 142870)  
Assistant U.S. Attorney

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5 Sacramento, California 95814  
6 Telephone: (916) 554-2792

7 Attorneys for Plaintiff

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11  
12 UNITED STATES OF AMERICA, ) CASE NO. 4:04-cr-40154-CW  
13 Plaintiff, )  
14 v. ) STIPULATION TO CONTINUE  
15 MARVIN JEFFERY, JR., ) SENTENCING HEARING  
16 Defendant. ) AND [PROPOSED] ORDER  
17 ) OAKLAND VENUE  
18 )

Stipulation

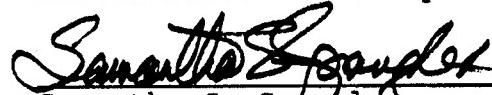
19 The parties stipulate that the sentencing hearing may be  
20 continued from January 30, 2008, to March 26, 2008, at 2:00 p.m.  
21 The undersigned prosecutor has obtained and disclosed to defense  
22 counsel the relevant materials relating to the issue of restitution,  
23 and counsel is reviewing those materials with her client. Those  
24 materials must also be supplied to the Probation Officer, who plans  
25 to prepare an updated final pre-sentence investigation report.

26 The undersigned prosecutor is still awaiting input from the  
27 Northern District prosecutor regarding the appropriateness of any  
28 U.S.S.G. § 5K1.1 reduction.

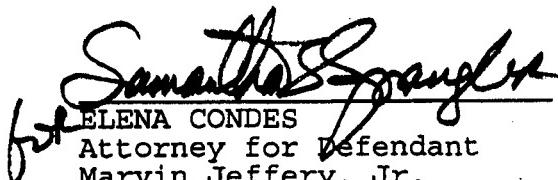
1 Now that this case is actually approaching sentencing, counsel  
2 for both parties agree that it would be appropriate to schedule  
3 deadlines for disclosure of the final PSR, filing motions to correct  
4 or other sentencing memoranda, and filing any reply briefs, as set  
5 forth in the proposed order below. The undersigned prosecutor has  
6 communicated with the Probation Officer, who has approved the new  
7 date. Ms. Condes, counsel for the defendant, has reviewed this  
8 stipulation electronically and has authorized the prosecutor to sign  
9 it on her behalf.

10 DATED: January 18, 2008

McGREGOR W. SCOTT  
United States Attorney

11 by   
12 Samantha S. Spangler  
13 Assistant U.S. Attorney

14 DATED: January 18, 2008

15   
16 ELENA CONDES  
17 Attorney for Defendant  
18 Marvin Jeffery, Jr.

#### Order

19 Good cause appearing, the sentencing hearing is continued and a  
20 new schedule is established as follows:

21 Disclosure of updated final PSR: February 27, 2008;

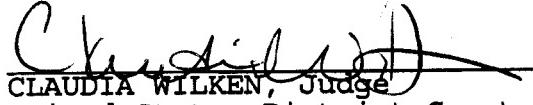
22 Motions to Correct PSR or other sentencing memoranda: March  
23 12, 2008;

24 Any reply briefs: March 19, 2008;

25 Judgment and Sentencing Hearing: March 26, 2008, at 2:00 p.m.

26 IT IS SO ORDERED.

27 DATED: January 22, 2008

  
28 CLAUDIA WILKEN, Judge  
United States District Court

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers.

That on January 18, 2008, she served a copy of the attached:

STIPULATION CONTINUING SENTENCING HEARING  
AND [PROPOSED] ORDER

by placing said copy in an envelope addressed to the persons hereinafter named, at the addresses stated below, which are the last known addresses of said persons and by placing it in the United States mail.

Elena Condes  
Attorney at Law  
1010 Grayson Street, Suite Two  
Berkeley, CA 94710

Christina Carrubba  
U.S. Probation Officer  
1301 Clay Street, Suite 220S  
Oakland, CA 94612

Samantha S. Spangler  
Samantha S. Spangler  
Assistant U.S. Attorney